

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARLVIN JUSTICE,

Plaintiff,

No. C 05-4474 PJH

v.

NOTICE AND ORDER

PEOPLE OF THE STATE
OF CALIFORNIA et al.,

Defendants.

The court is in receipt of a document, filed by plaintiff, entitled "Plaintiff Notice or Motion to Reject PJH Pleadings, and Move for Affirmation on Appeal." The nature of plaintiff's request is unclear, though it appears plaintiff may be attempting to appeal one or several of the court's prior orders with respect to this case.

As stated in its prior Notice, filed January 5, 2006, the instant case is no longer within the court's jurisdiction, as a result of the following: on November 3, 2005, plaintiff filed a notice of removal under 28 U.S.C. section 1442 and 18 U.S.C. section 3150. On November 30, 2005, the Magistrate Judge issued a Report and Recommendation, in which she concluded that plaintiff's petition for removal was an improper attempt to remove a pending state court criminal prosecution against him. As such plaintiff failed to meet his burden of establishing federal jurisdiction and she recommended that the case be remanded to state court. On December 18, 2005, after reviewing plaintiff's objections to the Report and Recommendation, this court issued an order adopting the Magistrate Judge's Report and Recommendation, and remanded this case to Alameda County Superior Court. As of December 18, 2005, therefore, this court no longer has jurisdiction over this case.

1 In view of the above facts, plaintiff's requests filed subsequent to December 18,
2 including the instant request filed on January 12, 2006, are not effective and do not
3 constitute proper requests for relief. Accordingly, the court will disregard them.

4 The court notes that plaintiff is free to file any appeal to which the law entitles him,
5 but that appeal cannot be filed in this court and must instead be filed before the proper
6 court – i.e., the court in which jurisdiction over any such appeal rests.

7 The court further notifies plaintiff that it will not consider any future filings or requests
8 submitted by him.

9 **IT IS SO ORDERED.**

10 Dated: January 23, 2006



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12 PHYLLIS J. HAMILTON
13 United States District Judge
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